

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL BURKE, Plaintiff, ) C.A. No. 14-145 Erie  
v. )  
SCI ALBION, et al., Defendants. )

## **MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on May 15, 2014, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, issued on December 30, 2014, recommended that the motion to dismiss [ECF No. 5] be granted, and that the Clerk of Courts be directed to close this case. Service was made on Plaintiff by mail at SCI Somerset, where he is incarcerated, and on Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 29<sup>th</sup> day of January, 2015;

**IT IS HEREBY ORDERED** that the motion to dismiss [ECF No. 5].

is **GRANTED**. The Clerk of Courts is directed to close this case.

The report and recommendation of Magistrate Judge Baxter, issued December 30, 2014, is adopted as the opinion of the court.

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s/TERRENCE F. McVERRY  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_